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EEC Draft Amendments to Regulations on Phytosanitary Control in the Customs Union

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Sanitary/Phytosanitary/Food Safety

Trade Policy Monitoring

Approved By:

Levin Flake

Prepared By:

Yelena Vassilieva

Report Highlights:

The Eurasian Economic Commission (EEC), which is the regulatory body of the Russia-Kazakhstan-Belarus Customs Union (CU), published on its web-site the draft amendments to the Regulations on the Phytosanitary Control on the Customs Territory of the Customs Union. There is the public comment period starting December 9, 2013, and ending February 10, 2014. Interested U.S. parties are encouraged to share their comments and concerns with the USDA's enquiry point (IRSD@fas.usda.gov). Please note that these amendments to CU Decision 318 were notified to the WTO as G/SPS/N/RUS/39 (<https://docs.wto.org/imrd/directdoc.asp?DDFDocuments/t/G/SPS/NRUS39.DOC>).

General Information:

On December 9, 2013, the Eurasian Economic Commission (EEC), which is the regulatory body of the Russia-Kazakhstan-Belarus Customs Union (CU), published on its web-site the draft amendments to the Regulation on the Phytosanitary Control on the Customs Territory of the Customs Union (approved by the CU Decision 318 of June 18, 2010). The Russian text of the draft Amendments is here: [Draft Amendment to Regulation on Phytosanitary Control on the Territory of the CU.pdf](#). There is a public comment period starting December 9, 2013, and ending February 10, 2014. Interested U.S. parties are encouraged to share their comments and concerns with the USDA's enquiry point (IRSD@fas.usda.gov). USDA, in turn, will share collected comments/concerns with the Eurasian Economic Commission.

The amendments were notified to the WTO on December 12, 2013, in its WTO notification G/SPS/NRUS/39: <https://docs.wto.org/imrd/directdoc.asp?DDFDdocuments/t/G/SPS/NRUS39.DOC>. According to the Description of the content of the document (as notified to WTO), "the document introduces amendments to CU legislation regarding the common procedure on carrying out quarantine and phytosanitary control (supervision) on the customs territory of the Customs Union (Annex 3 to the CU Commission Decision as of 18 June 2010 No. 318). The proposed amendments relate to trade within the CU customs territory. The document is aimed at improving efficiency of quarantine and phytosanitary control on the customs territory of the CU, optimization of work performed by competent authorities responsible for plant protection in country-members of the CU, and eliminating unjustified barriers between the member states."

Comment: The basic Regulation on the Phytosanitary Control on the Territory of the Customs Union was in force since July 1, 2010, per the Decision of the Customs Union Committee No. 318 of June 18, 2010 "On Provision of Plant Quarantine in the Customs Union". The Decision 318 included several documents that established regulations on Phytosanitary Control on the Territory of the Customs Union (in Annex 3 to the Decision 318), regulations on the Phytosanitary Control at the Border of the Customs Union (in Annex 2 to the Decision 318), List of Regulated Products (Annex 1 to the Decision 318)¹. The updated editions of all Annexes to Decision 318 are posted on the site of the Eurasian Economic Commission:
http://www.eurasiancommission.org/ru/act/texnreg/_/Phyto Measures.aspx.

The unofficial English translation of the above draft Amendments to Regulations on Phytosanitary Control on the Territory of the Customs Union is given below.

¹ FAS/Moscow reported on this CU Decision No. 318 of June 18, 2010, in the GAIN reports [Custom Union Update July 2010 7-26-2010.pdf](#).

Draft
Amendments
to the Regulation on the quarantine phytosanitary control (supervision)
on the customs territory of the Customs Union

1. In the second paragraph of section 1.2. the word "this" to replace with the word "said";
2. Section 1.4 shall read as follows:
"1.4. In the implementation of quarantine phytosanitary control (supervision) on the customs territory of the Customs Union the authorized bodies are governed by national legislation unless the relations arising from the implementation of quarantine phytosanitary control (supervision) on the customs territory of the Customs Union are directly governed by these Regulations.";
3. In section 2.1:
 - a) In the fourth paragraph the word "Party" shall be deleted;
 - b) The eighth paragraph to read as follows:
"Quarantine phytosanitary control (supervision)" – activities of the authorized bodies aimed at identifying quarantine objects (quarantine harmful organisms), establishment of quarantine phytosanitary status of regulated products and the fulfillment of international obligations of the Parties and legislation of the Parties in the field of plant quarantine;"
 - c) In paragraph twenty words "Member States of the Customs Union" shall be replaced with the word "Parties";
 - d) The twenty-first paragraph shall read as follows:
"Authorized bodies" - empowered authorities of the Parties performing the functions of quarantine phytosanitary control (supervision);"
 - e) Twenty-second paragraph shall read as follows:
"quarantine phytosanitary requirements – requirements (established to ensure the plant quarantine in accordance with the international obligations of the Parties and the legislation of the Parties) to phytosanitary condition of the regulated products moved on the customs territory of the Customs Union, to packaging of regulated products, to modes of their transportation, the possible destination, as well as the implementation of measures for preventive disinfection of regulated products;"
4. Section 2.2 shall read as follows :
"Other terms are defined by international treaties concluded within the framework of the Customs Union and the Common Economic Space, the International Convention on Plant Protection and Quarantine (Rome, 1951, as amended in 1997) and the international standards for phytosanitary measures.";
5. Section 3.1 shall read as follows:
"3.1. Quarantine phytosanitary control (supervision) in the customs territory of the Customs Union is implemented to prevent the introduction and spread of quarantine objects when moving regulated products on the customs territory of the Customs Union.
Authorized bodies post information on quarantine phytosanitary requirements on their official websites (Internet resources). Information about quarantine phytosanitary requirements is also posted in the Information System of the Eurasian Economic Community on the Technical Regulations, Sanitary and Phytosanitary measures, and in the Integrated Information System of Foreign and Mutual Trade of the Customs Union.";

6. Section 3.2. to read as follows:

"3.2. The activities of authorized bodies aimed at issuing phytosanitary certificates are not quarantine phytosanitary control (supervision).

Each batch of regulated products moved between the Parties is subject to quarantine phytosanitary control (supervision).

Each batch of regulated products of high phytosanitary risk moved between the Parties is accompanied by a phytosanitary certificate issued by the authorized body of the state of origin and valid during 30 calendar days from the date of issuance of the phytosanitary certificate.

Authorized bodies of the state of origin shall notify the authorized bodies of the State of Destination of the issuance of phytosanitary certificates, including through the Integrated Information System of Foreign and Mutual Trade of the Customs Union.

The authorized bodies shall conduct an investigation in the following cases:

1) if the competent authorities of the State of Destination discover that regulated products were not presented to officials of the authorized body of the State of Destination when implementing in course of quarantine phytosanitary control (supervision) on the customs territory of the Customs Union.";

2) if the phytosanitary certificate that accompany the batch of regulated products, which is not found to be counterfeit or invalid, does not meet the quarantine phytosanitary requirements of the State of Destination.

If the fact of not presenting of regulated products to officials of the authorized body of the State of Destination is determined, the product owner bears responsibility in accordance with the legislation of the State of Destination.

The fact of not presenting (the regulated product) by the owner of the product to the officials of the authorized body of the State of Destination is the reason for refusal of the authorized body of the State of Origin to issue a phytosanitary certificate during a subsequent application of the owner of the product until the end of administrative investigation in accordance with the laws of the State of Destination.

At the destination, the owner of the product is obliged to present regulated products for quarantine phytosanitary control (supervision) within 24 hours since arrival.

If you change the destination of regulated products listed on the phytosanitary certificate, the owner shall notify the authorized body of the State of Origin."

7. In the first paragraph of section 3.3 the words "Member States of the Customs Union" shall be replaced with the word "Parties".

8. Section 3.4 shall read as follows:

"In fixing the officials' powers to conduct audits, as well as determining the order and timing of their implementation in the legislation of the Party, the Parties should use legal means, the use of which will not significantly restrict the free movement of regulated products on the territory of the Customs Union. This provision does not limit the right of a Party to use legal means similar to those in respect of batches of regulated products transported from the said Party to another Party.";

9. In sub-section 4 of section 3.7. word "phytosanitary requirements" to replace with "quarantine phytosanitary requirements."

10. In section 3.8:

a) In sub-section 1 the word "person " shall be replaced with the word "body";

b) In sub-section 2, the word "issued" shall be replaced with the word "completed";

11. In section 3.9:

a) in sub-section 2 the words " state, the authorized bodies of which" with "Party, the authorized

bodies of which";

b) add sub-section 5 as follows:

"5) The number of the vehicle on the phytosanitary certificate does not match the actual number of the vehicle.".

12. Section 3.10. to exclude.

13. Sub-section 1 of section 3.15. to read as follows:

"1) to conduct its disinfection if there are conditions for the disinfection of regulated products in the place of destination.

The official of the authorized body may require the submission of regulated products for inspection after its disinfection;".

14. Section 3.17 to read as follows [reference 1]²:

"3.17. The rules provided for in section 3.15 of this Regulation shall not apply in cases of detection of quarantine objects (quarantine pests) during the examination or inspection of the following regulated products being transported in the Customs Union:

1) Fruits with the presence of quarantine species of scale insects;

2) Oil-cake, oilseed meals and other solid residues, resulting from the extraction of vegetable fats and oils, grains and its products with the presence of quarantine weeds (except for quarantine species of *Striga spp*) under the condition of their future direction to the enterprise, which deprive seeds of their viability;

3) Other regulated products, contaminated (weeded) by quarantine objects (quarantine harmful organisms), if the use of these products is permitted in accordance with the legislation of the Party in whose territory the destination point of the moved regulated products is located.

In these cases, the decision on completion of quarantine phytosanitary control (supervision) is taken."

15. Section 3.19 read as follows:

"The results of quarantine phytosanitary control (supervision) are issued by:

1) making the act of quarantine phytosanitary control (supervision) in compliance with Annex № 1 hereto;

2) affixing of the corresponding stamp number in accordance with Annex 2 to this Regulation on the phytosanitary certificate (if available) and on the transport (transportation) document by an official of the authorized body in charge of the quarantine phytosanitary control (supervision)";

16. In section 3.21 the words "of the Member State of the Customs Union" shall be replaced by "the Party."

17. Section 3.22 should be deleted.

18. Annex 1 to these provisions read as follows:

“Annex No. 1

² Reference 1. Ministry of Agriculture and Food of Belarus considers inappropriate changes to sub-section 2 of section 3.17.: words "grain and its products."

to the Regulation on the Procedure
of the quarantine phytosanitary control (supervision)
on the customs territory of the Customs Union
(edition of the Decision of the Council
of the Euro-Asian Economic Commission
No. __ of ____ 2013”

(Name of the authorized issuing authority)

ACT OF QUARANTINE PHYTOSANITARY CONTROL (SUPERVISION)

(Date of issue) _____ number of _____

I, _____ (Position, name) _____

Held quarantine phytosanitary control (supervision) of regulated products

(Name and number of regulated products)

and vehicles: _____ (Number of the vehicle) _____

received from: _____ (Name of country) _____

origin: _____ (Name of country) _____

phytosanitary certificate: _____

(Phytosanitary certificate number and date of issue)

issued: _____ (Name of country) _____

Exporter (sender): _____ (Company name and address) _____

Importer (receiver): _____ (Company name and address) _____

In the result _____ determined _____

(Name of event)

For analysis or examination of regulated products, samples (samples): _____ pcs.

in the amount of _____ (in appropriate units of measurement)

Action with sample: _____

Prescribed following quarantine phytosanitary measures: _____

Act is in the presence of the owner (representative) of the cargo: _____

(Signature) (Name)

An official of the authorized body,

performing the functions of quarantine

phytosanitary control (supervision) _____ (Signature) (Name) _____

MP

Appendix to the Act of quarantine phytosanitary control (supervision)

of _____ number _____

No.	Name of regulated product	No. of phytosanitary certificate	Quantity of regulated products ((in appropriate units of measurement)	Selected average samples		
				Quantity	Unit of measurement	Action with sample

An official of the authorized body,
performing the functions of quarantine
phytosanitary control (supervision) _____
(Signature) (Name)

Annex 2 to these Regulations to read as follows:
“Annex No. 2
to the Regulation on the Procedure
of the quarantine phytosanitary control (supervision)
on the customs territory of the Customs Union
(edition of the Decision of the Council
of the Euro-Asian Economic Commission
No. __ of ____2013”

Samples of stamps
affixed by the officials that execute the functions
of the quarantine phytosanitary control (supervision)

1.

KZ	Quarantine Phytosanitary Control (supervision)	01-001
<p style="text-align: center;">RELEASE GRANTED</p> <p style="text-align: center;">Act of quarantine phytosanitary control (supervision) of _____ No. _____</p> <p>An official of the authorized body, performing the functions of quarantine phytosanitary control (supervision) _____</p> <p>Signature _____</p>		

2.

KZ	Quarantine Phytosanitary Control (supervision)	01-001
<p style="text-align: center;">RELEASE PROHIBITED</p> <p style="text-align: center;">Act of quarantine phytosanitary control (supervision) of _____ No. _____</p> <p>An official of the authorized body, performing the functions of quarantine phytosanitary control (supervision) _____</p> <p>Signature _____</p>		

Instructions for use of stamps:

Size of stamps: 60 mm*35 mm

Symbols used in the manufacture of stamps of quarantine phytosanitary control (supervision):

In the upper right corner – Code of region (oblast) and the three-digit code of administrative region, located under the code of the region;

In the upper left corner: one of the symbols of states, members of the Customs Union – BY, KZ, RU”

Stamp 1 “Release Granted” – is put in the place of destination of regulated product if it meets the quarantine phytosanitary requirements.

Stamp 2 “Release Prohibited” is put in places of destination of regulated product if it does not meet the quarantine phytosanitary requirements.

END UNOFFICIAL TRANSLATION